

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES FRANKLIN ADAIR,

Plaintiff,

v.

MACNAUGHT, et al.,

Defendants.

No. 2:24-cv-0915 CKD P

ORDER AND

FINDINGS AND RECOMMENDATIONS

On September 3, 2024, plaintiff's complaint was dismissed with leave to amend. Plaintiff was warned that failure to file an amended complaint within 30 days would result in a recommendation that this action be dismissed. The amended complaint was due on October 5, 2024, and plaintiff has not filed an amended complaint.

Accordingly, IT IS HEREBY ORDERED that the Clerk shall assign a district judge to this action; and

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings

1 and Recommendations.” Plaintiff is advised that failure to file objections within the specified  
2 time waives the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th  
3 Cir. 1991).

4 Dated: October 16, 2024



CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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